



March 5, 1990

Reply To
Attn Of: SO-125

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Union Pacific Railroad
Nancy A. Roberts, Attorney
1416 Dodge Street
Omaha, Nebraska 68179

Re: Bunker Hill Superfund Site;
1990 Residential Removal Action

Dear Ms. Roberts:

As you know, the United States Environmental Protection Agency (EPA) has documented the release or threat of release of hazardous substances at the Bunker Hill Superfund site. EPA has previously named the current and former Bunker Hill smelter facility owners and operators as Potentially Responsible Parties (PRPs) for the cleanup of Bunker Hill site. On February 7, 1990, EPA named seven additional parties as PRPs at the site under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9607, as amended.

The purpose of this letter is to notify all of the Bunker Hill PRPs of EPA's planned 1990 Residential Removal Action in the populated or 'residential' areas of the site, and to provide a formal period of negotiations for the PRPs to undertake this work. In previous correspondence with you, EPA described the ongoing CERCLA activities at the Bunker Hill site, including the populated areas Remedial Investigation and Feasibility Study (RI/FS) currently being performed by the State of Idaho under EPA's oversight. In addition to this RI/FS, EPA has conducted two separate CERCLA removal actions in the Populated Areas of the site as a result of significant levels of lead contamination in soils which may present an imminent and substantial endangerment to the public health or welfare or the environment.

EPA is considering spending additional public funds to perform the 1990 Residential Removal Action, unless the required actions will be promptly and properly conducted by one or more of the Bunker Hill PRPs as the responsible party(s). Responsible parties may be liable for all monies including interest thereon expended by the government to take any



65352

13.10.12-1002

1002

necessary response actions at the site, including the investigation, planning, and cleanup of the site. Liability under Section 107(a) of CERCLA is strict, joint, and several for all responsible parties.

EPA encourages all of the Bunker Hill PRPs to work together to perform or finance this removal action under an agreement with EPA. Pursuant to Section 122(a) of CERCLA, EPA has discretionary authority to use the special notice procedures to facilitate such agreements under Section 122 of CERCLA. In this case, EPA is waiving the special notice procedures to ensure that the Bunker Hill removal action is commenced no later than early May, 1990 in order to cleanup as many residential properties in the Kellogg and Smelterville area as possible.

Accordingly, EPA will provide the Bunker Hill PRPs, both collectively and individually, with thirty (30) days from the date of receipt of this letter to present a draft Work Plan for the Bunker Hill 1990 Residential Removal action consistent with the enclosed Scope of Work and draft CERCLA Section 106(a) Administrative Order on Consent. This will be followed by a thirty day negotiation period to resolve any necessary changes in the Work Plan and to enter into a Consent Order. In the interim, within fifteen days from your receipt of this letter, EPA requests you submit a good faith proposal to perform the removal action which, at a minimum, contains the following elements:

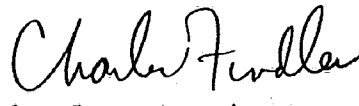
- confirmation of your willingness to conduct or finance the Bunker Hill 1990 Residential Removal Action and a commitment to submit a draft Removal Work Plan which is generally consistent with EPA's Scope of Work and the requirements of CERCLA, the National Contingency Plan and applicable EPA guidance;
- a general response to EPA's Scope of Work and draft Consent Order;
- a demonstration of your technical capability to undertake the removal action or bids from qualified architect/engineering firms capable of initiating the work;
- a statement of your willingness to reimburse EPA for the agency's oversight costs related to the 1990 Residential Removal Action;
- the name, address, and phone number of the representatives who will represent you in negotiations.

Please provide such a good faith proposal to EPA within 15 days of your receipt of this letter. EPA would then like to meet with you and/or the other Bunker Hill PRPs to discuss the proposed Consent Order, requirements for the Removal Work Plan, and other items as requested.

Your written response should be sent to Sally Martyn, U.S. Environmental Protection Agency, Superfund Branch, 1200 Sixth Avenue, HW-113, Seattle, Washington 98101. Technical and policy questions should be addressed to Ms. Martyn at (206) 442-2712, or Kevin Oates at 442-6524. If you have any legal questions, please contact Allan Bakalian, Assistant Regional Counsel, at (206) 442-1789, or Ted Yackulic at 442-1218.

Thank you for your prompt attention to this matter.

Sincerely,



Charles E. Findley, Director
Hazardous Waste Division

Enclosures

cc: Rob Hanson, IDHW
Curt Fransen, Esq., IDHW
Jerry Cobb, PHHD
Bunker Hill PRPs